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Activities of the Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime: Illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, as well as consideration of the need to develop an instrument on the illicit manufacturing of and trafficking in explosives

Note by the Secretariat

By its resolution 1999/21, the Economic and Social Council recommended tot he General Assembly the adoption of a draft resolution entitled "Activities of the Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime: Illicit manufacturing of an trafficking in firearms, their parts and components and ammunition, as well as consideration of the need to develop an instrument on the illicit manufacturing of and trafficking in explosives". The text of the draft resolution is reproduced below.

The General Assembly,

Recalling its resolution 53/111 of 9 December 1998 on transnational organized crime,

Recalling also Economic and Social Council resolutions 1998/17 of 28 July 1998 on the regulation of explosives for the purpose of crime prevention and public health and safety and 1998/18, also of 28 July 1998, on measures to regulate firearms for the purpose of combating illicit trafficking in firearms,

Taking into account the work of the Panel of Governmental Experts on Small Arms, established pursuant to General Assembly resolution 50/70 B of 12 December 1995,

Recognizing the need for effective coordination between the Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime and the different United Nations bodies involved in the field of small arms,

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Taking note of the United Nations International Study on Firearm Regulation[1] and of the note by the Secretary-General on illicit manufacturing of and trafficking in explosives by criminals and the abuse and misuse of explosives for criminal purposes,[2]

Concerned by the increase, at the international level, in the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition and by the seriousness of the problems arising from them, as well as by their links with transnational organized crime,

Aware of the urgent need to prevent, combat and eradicate the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition,

Aware also that the illicit manufacturing of, trafficking in and criminal misuse of explosives have a harmful effect on the security of States and endanger the well-being of peoples and their social and economic development,

Deeply concerned that effective action against transnational organized crime is hampered by the easy access that criminals have to explosives,

Convinced that combating the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, as well as combating the illicit manufacture of and trafficking in explosives, requires international cooperation, the exchange of information and other appropriate measures at the national, regional and global levels,

Aware of the importance of bilateral and multilateral instruments and arrangements in the furtherance of international cooperation in the matter, including guidelines and model regulations,

Underlining the need for all States, especially those States which produce, export or import arms, to take the necessary measures to prevent, curb, combat and eradicate the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, as well as explosives,

Reaffirming the principles of sovereignty, non-intervention and the sovereign equality of all States and the rights and obligations enshrined in the Charter of the United Nations,

1. *Welcomes* the work of the Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime, and encourages it to continue the negotiation of an international legal instrument dealing with the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition;

2. *Recommends* that, in negotiating the international legal instrument, the Ad Hoc Committee take into account, when appropriate and pertinent, the Inter-American Convention against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives and Other Related Materials, as well as other existing international instruments and ongoing initiatives;

3. *Calls upon* States to consider the adoption of such legislative or other measures as may be necessary to establish as criminal offences under their domestic law the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, as well as explosives;

4. *Encourages* States to consider forms to enhance cooperation and the exchange of data and other information with a view to preventing, curbing, combating and eradicating

[1] United Nations publication, Sales No. E.98.IV.2.

[2] E/CN.15/1999/3/Add.1.

the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, as well as explosives;

5. *Requests* the Secretary-General, within existing or extrabudgetary resources, to convene an expert group with no more than twenty members with equitable geographical representation to prepare a study on the illicit manufacturing of and trafficking in explosives by criminals and their use for criminal purposes, taking fully into consideration the issues listed in paragraph 2 of Economic and Social Council resolution 1998/17;

6. *Also requests* the Secretary-General to facilitate the participation of experts from developing countries in the meeting of the expert group by providing, from within existing or extrabudgetary resources, for the travel of experts from such countries;

7. *Invites* Member States to make voluntary contributions in order to support the study to be prepared by the expert group and to ensure the participation of experts from developing countries;

8. *Requests* the Secretary-General to report, as early as possible, to the Commission on Crime Prevention and Criminal Justice on the results of the study, and directs the Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime, following the completion of the study, to consider the possible elaboration of an international instrument on the illicit manufacturing of and trafficking in explosives.